

REMARKS

Upon entry of the above amendment, claims 1-21 will be pending. Applicants canceled claims 22-31 without prejudice to the subject matter contained therein. Applicants withdrew claims 9, 10 and 16-21 in light of the restriction requirement.

Response to Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121 and 372:

- Group I: Claims 1-8, 11-15 and 27, drawn to a compound reading on Formula 1 claim 1, where Z = oxygen, Q = bond, W = 5-membered aromatic heterocycle.
- Group II: Claims 1-12, 14 and 27, drawn to a compound reading on Formula 1 claim 1, where W is **other than** 5-membered aromatic heterocycle and excludes compounds in Group I.
- Group III: Claims 16-18, 25 and 31 drawn to a method for treating PPAR conditions limited in scope to either one of the compounds of Group I or II.
- Group IV: Claim 19 drawn to a method for treating many conditions limited in scope to either one of the compounds of Group I or II.
- Group V: Claims 20-23 and 28-29 drawn to pharmaceutical compositions containing one of the compounds of either Group I or II.

Applicants hereby elect Group I, claims 1-8, 11-15 and 27, drawn to a compound reading on Formula 1 claim 1, where Z = oxygen, Q = bond, W = 5-membered aromatic heterocycle, without traverse. Applicants respectfully request to expand the restriction to additional areas once allowability within restriction is found. Applicants request rejoinder of the method and pharmaceutical claims after the compounds are found allowable.

Response to Species Election

The Examiner has required Applicants to elect, under 35 U.S.C. 121 and 372, a single disclosed chemical species (claim 1), combination chemical species (claims 18, 21 and 30), or disease or condition (claims 19, 26 and 31) for prosecution on the merits. Applicants hereby elect 1-Ethyl-3-{4-[5-methyl-2-(4-trifluoromethyl-phenyl)-oxazol-4-ylmethoxy]-benzene-sulfonylamino}-1H-pyrazole-4-carboxylic acid ethyl ester. It is Applicants' understanding that the species election is for searching purposes only, and upon a finding of allowability of the elected species, the remaining species will also be searched.

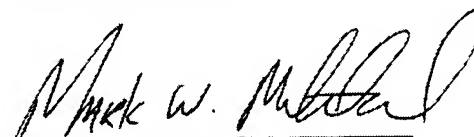
Conclusion

Applicants have addressed each and every issue set forth by the Examiner. Applicants respectfully submit that the present application is in good condition for examination.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (617) 871-4125. If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 50-4409 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly extension of time fees.

Respectfully submitted,

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Date: August 10, 2008